

House Bill 1325

By: Representatives Buckner of the 130th, Porter of the 143rd, Meadows of the 5th, Reece of the 11th, McKillip of the 115th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, the "Jekyll Island—State Park Authority Act," so as to define certain terms; to provide that not more than 35 percent of the land of said island shall be developed or disturbed; to provide that not less than 65 percent of the land of said island shall remain undeveloped; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, the "Jekyll Island—State Park Authority Act," is amended by revising Code Section 12-3-243, relating to subdivision, improvement, lease, or sale of island by the authority, powers generally, disposition of proceeds of sale, creation of reserve fund, and signing conveyances, as follows:

"12-3-243.

(a) As used in this Code section, the term:

(1) 'Developed land' means land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

(2) 'Disturbed land' means land other than developed land where the natural conditions and processes have been impacted by human activity including, without limitation, the removal of natural vegetation, impounding water, planting or maintaining grasses or other vegetation not native to the area, and any other activity causing a condition which would not appear naturally without human activity.

(3) 'Undeveloped land' means land that is not surveyed, subdivided, improved, developed, or disturbed.

~~(a)~~ (b)(1)(A) The authority is empowered to survey, subdivide, improve, and lease or sell to the extent and in the manner provided in this part, as subdivided and improved,

not more than 35 percent of the land area of Jekyll Island which lies above water at mean high tide, provided that the authority shall in no way sell or otherwise dispose of any riparian rights; and provided, further, that the beach areas of Jekyll Island will never be sold but will be kept free and open for the use of the people of the state. Notwithstanding any other provision of the law, not more than 35 percent of the land area of Jekyll Island which lies above water at mean high tide shall be developed or disturbed land.

(B) The following area shall not be counted in the permissible 35 percent of developed land as provided in this paragraph:

(i) 1.75 acres for a convention center;

(ii) Bicycle trails on the south side of the island planned as of July 1, 2010; and

(iii) Property platted as of July 1, 2010, for the expansion of a campground.

(2)(A) The authority shall not survey, subdivide, improve, lease, sell, develop, or otherwise cause a project to be constructed on the 65 percent of the land area of Jekyll Island which the authority is not empowered to survey, subdivide, improve, and lease or sell pursuant to paragraph (1) of this subsection; provided, however, that nothing in this paragraph shall be construed as to require the removal of any improvement on such land area which was completed on March 14, 1995. Notwithstanding any other provision of the law, not less than 65 percent of the land area of Jekyll Island which lies above water at mean high tide shall be undeveloped land; provided, however, that limited bicycling and walking paths, closed to motorized vehicles, with pervious surfaces may be built and maintained to facilitate the public's enjoyment of the natural surroundings.

(B) That portion of Jekyll Island lying south of 31 degrees, 1 minute, 34 seconds north latitude as such latitude is depicted on the 1993 USGS topographic survey 7.5 minute series quadrangle map shall always be included within the area of Jekyll Island protected by this paragraph, and the authority shall not enter into, renew, or extend any agreement or otherwise take any action regarding such southern portion of the island in violation of this paragraph on or after May 30, 2007, except as otherwise provided in this subparagraph. The removal of any improvement on such southern portion of the island which was completed prior to May 30, 2007, shall not be required. Upon the expiration or termination of any lease of a lot for a single-family residence on such southern portion of the island, the authority may again lease such lot to the same or another lessee for a single-family residence or noncommercial purpose or the authority may set aside the lot for public use; but the lot shall not be further subdivided, and the authority shall not lease such lot for any multifamily residence or commercial purpose. Those properties used for the Jekyll Island 4-H center and soccer complex may

continue to be used and improved for the same or similar purposes under an extension or renewal of an existing lease or under a new lease. This subparagraph shall not prohibit the construction and use of any public bicycle trails, public nature trails, or public picnic areas on such southern portion of the island by the authority. This subparagraph shall not be applied to impair the obligation of any valid contract entered into prior to May 30, 2007.

~~(b)~~ (c) The authority shall deduct and retain as income from the amounts received for any sales of lots the value of its leasehold estate in such property, which shall be determined by agreement between the authority and the Governor. The remainder of such amounts shall be paid into the state treasury to the credit of the general fund. Ninety percent of the income received by the authority from the sale of lots shall be paid into a reserve fund to be set up by the authority to be used for general improvements or capital improvements, or both, on Jekyll Island.

~~(c)~~ (d) All conveyances for the sale of lots shall be signed by the authority on its own behalf and by the Governor on behalf of the state."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.